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Fifty-seventh session

SUMMARY RECORD OF THE 40th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 5 April 2001, at 3 p.m.

Chairperson: Mr. DESPOUY (Argentina)

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The meeting was called to order at 3.15 p.m.

STATEMENT BY THE DEPUTY MINISTER FOR FOREIGN AFFAIRS OF ITALY

1. Mr. INTINI (Italy) said that the Commission acted as a test bed for the interaction of the world human rights situation and other issues such as poverty, democracy and globalization, which were all key items on the international agenda. The international community was becoming more aware of the fact that the universality and indivisibility of human rights must be matched by a more solidarity-oriented and open approach by the world economy. While globalization had highlighted the interdependence of the markets and the usefulness of the free movement of goods and know-how, it had also revealed the need for new methods and ideas regarding development cooperation, international solidarity and respect for humanitarian principles, which were inseparable from the very essence of democracy and social justice.

2. After endorsing the statement by the Minister for Foreign Affairs of Sweden on behalf of the European Union, he said that, when Italy had taken over the presidency of the Group of 8, it had emphasized the need to give priority at the Genoa Summit to the problems caused by extreme poverty and the need for education, nutrition and health, as well as the issue of migration and its social and economic repercussions, which would have equal status with the problems of security, stability, the monetary economy and similar issues.

3. Recently, however, even the international organizations traditionally more concerned with the management of economic, financial and monetary affairs had realized that the traditional economics-focused approach should be broadened to include a series of humanitarian concerns relating to the developing world. In that context, he paid tribute to the "right to development" exercise, to which the United Nations High Commissioner for Human Rights attached great importance. He also commended the open-ended working group on the right to development for its efforts to bring some order into an issue that had hitherto eluded any attempt at rationalization.

4. The Commission had increasingly proved to be the most appropriate forum for discussing all the issues relating to rights and freedoms in contemporary society and seeking solutions to crisis situations. In that connection, he reaffirmed his Government's moral and political commitment to the Commission and to the Office of the High Commissioner (OHCHR). It had just decided to make a substantial increase in its financial support to OHCHR activities.

5. The forthcoming World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance gave the international community the opportunity to work out appropriate ways of dealing with those phenomena. The younger generation must be educated for a world of tolerance, mutual understanding and appreciation of diversity, in which multi-ethnic, multicultural and multi-faith societies were accepted as enriching life. The experience of the European Regional Conference had produced much food for thought. The most important feature had been the successful participation of representatives of civil society on an equal footing. Indeed, the general conclusions had been drafted with the active cooperation of the participating non-governmental organizations (NGOs) which had submitted amendments of

the utmost importance. A clear sign of the commitment of European Governments to action against racism was the adoption of Protocol No. 12 relating to discrimination to the Council of Europe Convention for the Protection of Human Rights and Fundamental Freedoms.

6. One major problem of recent years was illegal immigration. People from Africa, Asia and Latin America driven from their homes by misery and need, war, racial and ethnic persecution, epidemics and drought had arrived in Europe, often exploited by unscrupulous criminal organizations that had created a whole industry based on blackmail, violence, the exploitation of women and child prostitutes, drug trafficking and various forms of slavery. Degrading markets for trade in human organs and the sale of children had been created.

7. The international community was duty-bound to act against such sickening abuses and put into place appropriate preventive and policing measures, both within their national territories and in the framework of regional and international organizations. Cooperation and concerted action must be taken, ranging beyond national borders, so that those who exploited human despair were brought to justice. The High-Level Political Signing Conference for the United Nations Convention against Transnational Organized Crime had started up a swift and timely process aimed at both protecting the rights of migrants and combating the above-mentioned forms of exploitation.

8. Racial discrimination was an ancient evil in Europe and elsewhere. At the World Conference, the international community must carry out a thorough examination of conscience so as to identify the failures to meet the standards enshrined in the international conventions. As for the past, every person had the duty to remember and condemn the whole historical heritage of racism. The phenomena of colonialism and slavery must be studied by the new generations in order to make such aberrations utterly and basically abhorrent. The suffering caused by slavery or deriving from colonialism must always be kept in mind. It was important to ensure that the plan of action that emerged from the World Conference was a useful tool to enhance the system of guarantees against racism, discrimination and xenophobia. That could be achieved only if the financial means for its implementation were found promptly. In that context, he announced that Italy would increase its global contribution to US$ 500,000 for the whole process, in the expectation that full funding would soon be attained.

9. The international scene was unfortunately still characterized by serious "pathologies", such as torture, summary executions and disappearances, for which the people responsible often enjoyed impunity. The international community must furnish itself with appropriate and effective instruments to fight such abuses. It should also make it possible for criminals to be charged with the most atrocious crimes against humanity: genocide, ethnic cleansing and other serious forms of violence. He therefore appealed to Member States to adhere to and ratify the Rome Statute of the International Criminal Court.

10. He reiterated the importance his country, within the European Union, attached to the abolition of capital punishment. He welcomed the growing number of abolitionist countries, the increase in de facto or formal moratoria on executions and the rise in accessions to the Second Optional Protocol to the International Covenant on Civil and Political Rights.

11. He paid tribute to the High Commissioner, whose moral correctness and militant commitment had made her foremost among human rights defenders, and expressed gratitude for her decision to extend her mandate by a further year.

12. One half of the world could not be held completely blameless for human rights abuses while the other half had to stand in the dock. The issues were too delicate for that. The international community had still not faced up to its responsibilities in the face of the most serious human rights violations currently existing: the suffering that arose from hunger, disease and poverty in a large part of the world. Tragedies and conflicts had to be dealt with in terms of their gravity, regardless of the strategic context in which they arose and campaigns for human rights should not be weighed down by a bias in favour of a country's own purposes. In the face of a global economy, a global culture and, unfortunately, a global criminality, the international community should aim at establishing a global policy and governing capability, especially in the field of human rights, going beyond narrow national boundaries. The central goal of the new century, without which human rights and peace were in danger, would be to focus on the search for the new borders of solidarity, as well as the new borders of economy and technology.

STATEMENT BY THE MINISTER FOR FOREIGN AFFAIRS OF THE NETHERLANDS

13. Mr. VAN AARTSEN (Netherlands) said that the Netherlands, like many other countries in the "global village", was multiracial, multicultural and multi-religious. In societies where respect and tolerance prevailed, people from different backgrounds lived in harmony. All too many societies continued, however, to be divided on the basis of political convictions, social class, ethnic background, gender, religious beliefs, economic interests or cultural traditions.

14. On a recent visit to the Former Yugoslav Republic of Macedonia, he had been particularly struck by the destructive effect of intolerance on a society. The international community must use all available means to support the Macedonian people's efforts to promote non-discrimination, especially in the context of the Stability and Association Agreement signed with the European Union.

15. His Government was particularly concerned about the human rights situation in Chechnya, and had urged the Russian authorities to investigate thoroughly all human rights abuses and disappearances.

16. In the Middle East, Israelis and Palestinians must return to the negotiating table. The Palestinian leader should make a public appeal for an end to the violence, and the Israelis should exercise restraint in handling the situation.

17. His Government shared the Indonesian Government's concerns over the violence in the Moluccas, Aceh and Irian Jaya and urged it to address the root causes. The free and peaceful expression of the will of the people must be met by dialogue, not military force.

18. Progress had been made at the international level in combating discrimination against certain vulnerable groups. His Government attached great importance to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and would be working for an action-oriented, forward looking outcome. The human rights of women were

also high on its agenda. The definition of rape and sexual slavery by the International Criminal Tribunal for the Former Yugoslavia as crimes against humanity represented a step forward, as would the early establishment of the International Criminal Court.

19. Given that freedom of expression provided democratic societies with the necessary checks and balances, a free media and free trade in ideas should be encouraged. The Netherlands would be hosting a regional seminar on freedom of religion or belief in June 2001.

20. Constraints on the freedom of opinion and expression persisted. In China, journalists and members of ethnic, religious and belief communities had been given severe prison sentences. In the Islamic Republic of Iran, there was an atmosphere of repression within the media community and people were not free to practise any religion they chose.

21. Companies were increasingly exposed to unfavourable publicity or consumer boycotts if they appeared to profit from human rights violations. The private sector must be called upon to enter into a corporate partnership of shared responsibilities, particularly in the framework of the Secretary-General's Global Compact initiative.

22. Lastly, it was a disgrace that fewer and fewer core human rights functions were being funded from the regular United Nations budget and that some were not funded at all. Furthermore, it was unacceptable that OHCHR received less than 2 per cent of the regular budget. An increase in the allocation for human rights must be approved at the forthcoming session of the General Assembly.

CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTIONS OF:

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(g) CONSCIENTIOUS OBJECTION TO MILITARY SERVICE

(agenda item 11) (continued) (E/CN.4/2001/4, 9 and Add.1 and 2, 10, 11, 14 and Add.1, 58, 59 and Corr.1 and Add.1, 60, 61 63, 64 and Add.1, 65 and Add.1-3, 66 and Add.1, 67, 68, 69 and Add.1, 116, 137 and Corr.1, 138 and 149; E/CN.4/2001/NGO/2, 16, 23, 31, 47, 49, 50, 52, 64-71, 76, 90-94, 98, 99, 101, 110, 115, 116, 132-135, 137 and Corr.1, 138-145, 150, 159, 167, 168, 181 and 182; A/55/178 and 280 and Add.1 and 2; A/RES/55/89)

23. Mr. AKRAM (Pakistan) said that the measures adopted by his Government to promote civil and political rights included a plan to devolve decision-making to the grass roots, enabling the people to participate in decisions affecting their lives. In that process, 30 per cent of elected seats would be reserved for women. Elections had taken place in 38 districts and the process would be completed by 14 August 2001. Next would come provincial and national elections which were to be held by October 2002.

24. In addition to the constraints familiar to all developing countries, Pakistan faced additional, externally imposed problems in delivering human rights, the most important of which derived from its involvement in the struggle of the Afghan people against foreign military action. That war had shattered the Pakistani economy - with a particular social and economic impact on the frontier regions - and had brought, for the first time, a proliferation of guns, drugs and extremism. The country was currently engaged in a heroic effort to overcome those problems and realize its founder's vision of establishing a modern, democratic, Islamic State.

25. As the Coordinator for Afghanistan had stated in February 2001, the Afghan population was poised on the edge of an abyss. Following the years of war and drought, there was a risk of a major humanitarian disaster. In addition to the 1.2 million refugees already in Pakistan, a further 170,000 had left Afghanistan. The burden on Pakistan was therefore very heavy. The response to the United Nations appeal for funds had been weak. When the Secretary-General had visited Pakistan a fortnight previously, it had been agreed that the Pakistani Government would continue to assist the refugees while the United Nations opened camps for displaced persons in Afghanistan. So far, unfortunately, no action had been taken by the United Nations High Commissioner for Refugees (UNHCR) to map out sites and prepare camps.

26. His delegation had been pained and angered by an unsubstantiated assertion by a UNHCR representative that his Government was imposing restrictions in Jalozai camp. There were no such restrictions and it was distressing that, after 20 years of cooperation with UNHCR, his Government should be thus slandered. The only restrictions being imposed were on the registration by UNHCR of new Afghan arrivals: the Government wanted them repatriated, since it could not be expected to bear the cost of their care. If registration had been permitted, it would have acted as a magnet to more refugees. It was therefore imperative that UNCHR and the United Nations itself lived up to its promise to open new camps across the border. It was strange that UNHCR, which devoted only 5 per cent of its resources to Afghan refugees, although they comprised the largest body of refugees in the world, should have the temerity to insult a country that had provided the refugees with hospitality for many years.

27. The Special Rapporteur on Afghanistan had stated that he and the Secretary-General had been unable to gain access to Jalozai Camp. That was extremely misleading. United Nations officials, representatives of the media and others were constantly going to and from the camp. The truth was that the Secretary-General had been advised against going on the grounds of security, whereas the Special Rapporteur had lacked the courtesy to inform the Pakistani Government of his arrival in Islamabad. He had then telephoned requesting an appointment with the Permanent Secretary at the Ministry of Foreign Affairs on a Sunday evening. The Permanent Secretary being unavailable, the Special Rapporteur had not deigned to see his deputy.

28. It was imperative that special rapporteurs should act responsibly and with circumspection, otherwise they eroded the credibility of their work. He asked that his delegation's outrage be conveyed to the United Nations High Commissioner for Human Rights.

29. Mr. NGUYEN QUY BINH (Viet Nam) said that the world had witnessed, on the one hand, ever increasing progress in the promotion and protection of human rights, particularly political and civil rights, and, on the other hand, violence and conflicts that threatened to deprive the peoples of many parts of the world of their basic rights and freedoms. People were still discriminated against on the grounds of race, colour or origin; and racist propaganda was not prohibited everywhere, on the pretext that freedom of expression must be protected. The Palestinian people continued to shed their blood to assert their rights in their homeland. The forthcoming World Conference would offer the opportunity to make real progress in that regard.

30. His Government attached great importance to the promotion and protection of all human rights and fundamental freedoms, which should be given the same attention. The implementation of civil and political rights must go hand in hand with that of economic, social and cultural rights. The realization of the latter would promote the realization of the former.

31. Viet Nam had made significant progress over the past 15 years in strengthening its democratic institutions and improving its legal system. In addition to the enhancement of democratic representative institutions, through elections and the functioning of the National Assembly and the People's Councils at every level, particular importance was attached to the promotion of various direct forms of democracy at the grass-roots level. A government decree of 1999 had stipulated that important issues relating to everyday life and to State affairs should be discussed and monitored by the people as a whole. Such direct forms of democracy, together with the settling of complaints and denunciations, had had the effect of increasing the people's awareness of their rights.

32. His Government had also paid due attention to improving the criminal justice system. The Criminal Code and the Law on Criminal Procedures had been amended to reduce the number of criminal offences, improve the treatment of convicted people, lay down more precisely the responsibilities of the prosecution branch, guarantee due process and avoid instances of arbitrary detention. The Criminal Code, which had come into force in July 2000, had abolished 12 previously punishable criminal offences, while at the same time narrowing the scope of offences against national security. Some - including hijacking, the disclosure of State secrets or classified documents and illegal immigration - had been reduced to the status of regular offences and many criminal punishments had been replaced by the imposition of fines.

33. The number of capital offences had been reduced from 44 to 29, including article 75 on the infringement of national territorial security. Furthermore, capital punishment could no longer be imposed on pregnant women or women caring for children under the age of three. The reforms had been complemented by several mass amnesties covering thousands of convicted people, the latest being on the occasion of the National Day, 2 September 2000, when 10,693 prisoners had been released. A further 10,000 or so had had their sentences reduced.

34. Many regulations had been adopted to promote legal harmony and implement citizens' rights, with particular regard to religious freedom, the equality of all religions, protection of places of worship, publication of religious documents and religious teaching. Christian followers had almost doubled over the past 20 years, while the number of Buddhists had risen to 15 million. Millions of others retained their traditional beliefs. There were currently 14,000 Buddhist pagodas, 6,000 Catholic churches, 500 Protestant churches, 1,000 Cao Dai temples, 89 mosques and thousands of places of popular worship. The number of religious teaching establishments had also increased. In other words, Viet Nam was becoming a country of religious tolerance. The former colonialist Powers had often used religion to foster aggression and destabilization. Those Powers should engage in cooperation with Viet Nam to promote tolerance among the different religions and encourage them to form an integral part of the country's social and cultural life.

35. As for the freedom of the press, before the Law on the Press had come into force in 1992 there had been about 60 newspapers in Viet Nam. There were currently almost 600 newspapers and journals, of which 400 were non-governmental, representing the interests of different economic and social sectors. Such numbers demonstrated the freedom of the press in Viet Nam. Indeed, the press had become a powerful force in protecting the interests of the individual, combating corruption and providing a forum for public debate on various issues.

36. The country's achievements were still modest and only the first steps in the process of ensuring the well-being of the Vietnamese people. Such developments were impossible without the sympathy and support of the international community, from which Viet Nam had benefited and hoped to continue to benefit.

37. Mr. GUILLERMET (Costa Rica) said that his delegation had submitted the first draft of the optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1980, but it had yet to be adopted despite the urgent need for an effective mechanism to prevent torture. The new proposals put forward in the working group had served to enrich the debate. It was crucial, however, to ensure that States were accorded the primary role in preventing torture, that the NGOs participated in the process, and that the complementarity between national and international mechanisms was assured. After nine years of difficult negotiations, his delegation was not prepared to reduce the initial pretensions of the draft, although it recognized the importance of identifying creative means of achieving consensus. It hoped that the optional protocol, once finalized, would herald a new generation of instruments designed to prevent violations, and not just to note their existence.

38. Mr. GOPINATHAN (India) said that terrorism posed one of the most serious threats to human rights, democracy and free speech. Despite categorical assertions by the international community, terrorist acts were on the increase. States and non-State actors used lofty language to conceal their violent agendas. The pernicious nature of such propaganda was revealed in the attempts of one of India's neighbouring countries to elevate its terrorists to the status of great leaders.

39. There was an urgent need to ensure that non-State actors - particularly terrorist individuals and groups - were made fully accountable. State-sponsored terrorism was, however, quite different in scale, nature and consequences. India had been the victim of some of the most

brutal manifestations of such terrorism in the form of a proxy war aided and abetted from across its borders. No means were apparently too degrading or inhuman when they served political or territorial ambitions.

40. His Government's repeated unilateral gestures to restore peace in the Indian State of Jammu and Kashmir had been met with heightened terrorist violence, particularly against civilians. A certain State's shrill calls for dialogue - which were made for international consumption - went hand in hand, however, with support for terrorist groups. The bodies of Indian soldiers had been returned to Indian territory in a mutilated condition, with evident signs of torture.

41. While his Government had a solemn duty to protect its citizens against wanton terrorist acts, it would continue to abide by the democratic standards of India's Constitution and by international human rights standards. His delegation was anxious to promote a common approach to combat terrorism and called for an early conclusion of a comprehensive international convention to that end.

42. The assessment of the situation in India by the Special Rapporteur on the question of torture, as featured in his report (E/CN.4/2001/66), was entirely based on politically motivated allegations. Incidents of torture, whenever they occurred, were aired and addressed by India's democratic institutions, independent judiciary and thriving civil society. The national human rights commission had ordered the payment of compensation to victims in 98 cases over a three-year period, and had instigated disciplinary proceedings in 143 cases involving erring police officials. His delegation therefore categorically rejected the Special Rapporteur's conclusion that the excesses of Indian police and security forces, "especially if committed in the line of duty", were "tolerated, if not encouraged". Moreover, it was totally inappropriate for the Special Rapporteur to refer to the activities of terrorist groups as "armed resistance".

43. His Government had been responding as quickly as possible to allegations made in the context of the observations of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/2001/68). It was also making concerted efforts to prevent the forcible abduction of its citizens to be trained as terrorists across the border.

44. Mr. ERMAKOV (Russian Federation) said that freedom of religion was one of the most fundamental of all rights. There was little point, however, in denying the fact that some world views or ways of life were not entirely complementary. Ongoing dialogue and cooperation was necessary to ensure their peaceful coexistence, and particular tact was required at all times. One consequence of the artificial merging and dilution of religions was a rise in extreme, "spiritual" movements and sects.

45. In the Russian Federation, where followers of the world's major religions had lived side by side for centuries, there was a great potential for dialogue between the religions. Thus, in tsarist Russia, Muslims had enjoyed the right to live according to the Islamic Sharia. The Russian Inter-Religious Council participated in both national and international activities, and representatives of many of the country's religious communities had recently attended a major inter-faith conference.

46. As in most countries, religious entities in Russia were separate from the State. That did not, however, prevent the development of constructive partnerships for the well-being of society, including with the Government.

47. Russian legislation was not discriminatory in respect of any single religion; rather, it reflected the nation's historical and current specificities. Whereas during the Soviet period, unregistered religious organizations had not been allowed to operate, registration was no longer obligatory. Moreover, the registration deadline had been extended until the end of 2000, and a majority of religious organizations - Russian Orthodox, Protestant, Islamic, Jewish and Buddhist - had registered, primarily in order to acquire the status of legal entities.

48. It was important that neighbouring States - including those in the territory of the former Soviet Union - took account of each other's religious specificities in the consolidation of relations.

49. Lastly, there was recognition in the Russian Parliament and society that questions of freedom of religion and conscientious objection to military service were closely linked, and that the issue required urgent resolution by the legislative.

50. Mr. DEMBRI (Algeria) said that an in-depth review of the methodology used in preparing reports was urgently needed. Some special rapporteurs simply reproduced complaints without first checking the information, thereby transforming allegations into so-called truths. Others made no attempt to analyse the information, and lumped a variety of cases and situations together. That led to different interpretations of the information.

51. As for the report on torture (E/CN.4/2001/66), the cases mentioned in paragraph 22 were already being investigated and would have been investigated even if no complaint had been made. Answers regarding the cases mentioned in paragraphs 25-30 had been provided the previous week.

52. The Working Group on Enforced or Involuntary Disappearances tended to give authorities too little time to conduct the necessary investigations. The latter were further hampered because what little information was provided regarding filiation and address, was very vague. In Algeria, special local committees had been established to deal with complaints of disappearances and they remained involved throughout the process. The Working Group should, as a matter of urgency, review the matter in which it corresponded with States.

53. Regarding the report on extrajudicial, summary or arbitrary executions (E/CN.4/2001/9 and Add.1-2) the case relating to Algeria should not have been included there as it was a case of murder and the perpetrator had been arrested.

54. Regarding the report on freedom of expression (E/CN.4/2001/64) he was surprised that the Special Rapporteur seemed unaware of the fact that in all countries there were independent media and public service media; he saw nothing wrong with the latter, provided that they were not tied to a particular ideology. It seemed as though the Special Rapporteur used different terms for different countries. Surely, no one would dream of referring to State media in relation to the European Union countries. There seemed to be great contempt for the countries of the South.

55. Lastly, he had heard representatives of several States or groups of States ask other States to welcome visits from the special rapporteurs. There was no need for any State to set itself up as a kind of intermediary between the special rapporteurs and another State. The Commission was made of Member States; they should all engage in an interactive dialogue so as to promote respect for human rights

56. Mr. ALFONSO MARTINEZ (Cuba) said that, due to the proliferation of issues that were being dealt with on an annual basis the Commission was having less and less time to digest reports and reconcile opposing viewpoints and its work was therefore becoming more confrontational.

57. Generally speaking, whether because complaints were initiated by NGOs from the North or because of the cultural or political background of the special rapporteurs or members of the working groups, most reports tended to focus on human rights violations in the countries of the South, as exemplified by the reports on arbitrary detention and torture. Moreover, although four of the seven reports contained no criticism of Cuba, and the three others contained lengthy answers provided by his Government to the complaints received, efforts were still being made to condemn his country under agenda item 9. By contrast, although there was considerable information about the way the United States treated its citizens in a number of the areas covered by the same item, it was not criticized. In that connection he cited the reports of the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the question of torture.

58. He was deeply disappointed that the Special Rapporteurs on religious intolerance and on extrajudicial, summary or arbitrary executions had been unable to carry out the tasks entrusted to them in Commission resolution S-5/1 since Israel had denied their request for access to the territories under its control and regretted that the Special Rapporteur on the question of torture and the Working Group on Enforced or Involuntary Disappearances had not had the time or the inclination to try to visit those territories.

59. Turning to the report of the Working Group on Arbitrary Detention (E/CN/4/2001/14), he said that the use of the term "relevant United Nations norms" in the context of recommendation 1 (para. 88 (b)) was unacceptable. Regarding recommendation 2, he pointed out that it was domestic legislation which regulated how and if conscientious objector status was permissible. He reiterated that the second category the Working Group had established to determine whether or not a detention was "arbitrary" was unacceptable.

60. He commended the Special Rapporteur on religious intolerance for his practice of quoting government replies at length and noted that the Special Rapporteur on extrajudicial, summary or arbitrary executions had adequately reflected Cuba's replies. The same was true of the report concerning freedom of expression (E/CN.4/2001/64 and Add.1) although he was disturbed at the number of urgent appeals therein. He concurred with the conclusions in paragraphs 323, 325 and 326. Cuba reserved the right to invite the Special Rapporteur at an appropriate time. It was his understanding that the Special Rapporteur would, at some stage, conduct an in-depth analysis of some conceptual aspects which did not appear to be adequately taken into account for the moment.

61. The report on torture was again excessively long; the explanation regarding the links between racism and torture and between the latter and poverty (E/CN.4/2001/66, paras. 4-11) were useful. He took note of the observations concerning Cuba.

62. Lastly, he agreed with the International Indian Treaty Council regarding the refusal of the outgoing President of the United States to grant execution clemency to Leonard Pelletier.

63. Mr. SHEN Yongxiang (China) said that his Government had been working consistently to promote civil and political rights by enacting legislation in many areas and reforming the legal system to ensure due process. The Constitution guaranteed, inter alia, freedom of speech, association and religious belief. Indeed, the number of followers of various religions was increasing, and religious personalities played a positive role in political consultation and decision-making. Torture was strictly prohibited.

64. Regrettably, the United States was bent on politicizing the Commission's proceedings by making unfounded accusations against other countries while totally ignoring its own disturbing human rights record. That arrogant approach could not but poison the atmosphere and weaken the Commission's role.

65. Mr. BEKE DASSYS (Observer for Côte d'Ivoire) said that his Government deplored the summary executions and other human rights violations that had occurred in the country during the first 10 months of 2000. Since the democratic elections of 26 October 2000, the new Government had been investigating all cases of human rights violations. To demonstrate the new spirit of respect for human rights, on 4 January 2001, it had extended an invitation to the Special Rapporteur on extrajudicial, summary or arbitrary executions - as she had herself noted at an earlier meeting - and, on 15 February, it had provided the information requested by the other special rapporteurs. Accordingly, his delegation had been most disappointed to hear the allegation, in the statement made on behalf of the European Union the previous day, that his country had not responded to the special rapporteurs. The Commission should have been informed, if only orally, that it had provided the information requested.

66. Harassment and extortion had been perpetrated by law-enforcement personnel against all inhabitants, nationals and non-nationals alike. The new Government had taken energetic steps to halt those practices by reducing the number of roadblocks - which were the pretext for such actions - and establishing a special force to police the police. The parallel police force that had existed within the army had been disbanded.

67. Mr. KODAGODA (Observer for Sri Lanka) said that, in order to protect people from human rights violations, it was essential to combat terrorism. The international community was working on a comprehensive convention which would do just that. However, other steps could be taken at the national level. Two factors that directly contributed to sustaining terrorist activity were fund-raising and the procurement of weapons abroad. Any group that terrorized and violated the human rights of people in one country could not and should not be regarded as a friend in another country.

68. With regard to the Commission, persons connected with terrorist groups should not be able to attend sessions of the Commission under the patronage of NGOs, as had happened on several occasions. He urged the Commission to pay serious attention to that practice, which undermined its integrity and credibility.

69. Mr. CHOEPHEL (International Union of Socialist Youth) said that in Tibet under Chinese rule, peaceful expressions and demonstrations against Chinese policies and directives, possession of photographs of the Dalai Lama and the Tibetan national flag, and allegiance to the Tibetan Government in Exile were common grounds for arrest and detention. The Chinese Government contended that the principles enshrined in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights were subject to restrictions imposed by China's domestic legislation.

70. More than 450 known political prisoners were held in prisons in Tibet administered by the Chinese Government; all had been detained on charges of acts of "counterrevolution" or "endangering State security". Tibetans could be arrested for listening to foreign radio stations broadcasting in Tibetan and for compiling a list of political prisoners, since the Chinese authorities regarded such a document as a "State secret". In prison, they were subjected to physical and mental torture, and did not have the right to a fair trial and legal representation.

71. His organization joined the international call for the abolition of the practice of "re-education through labour", on which a workshop had been held in Beijing earlier in the year in cooperation with the OHCHR. At that workshop, the High Commissioner had said that, although the practice had a long history in China, attitudes towards the administration of justice had changed and a serious review of it, leading to its abolition, was justified. She stated that using forced labour as a punishment was contrary to the human rights principles embodied in many international instruments.

72. Mr. ASSAD (Freedom House) said that, according to his organization's annual survey, there were 86 free countries, 59 partly free countries and 47 not free countries at the beginning of 2001. His organization also published a survey that demonstrated how religious freedom was violated in many settings and cultures.

73. The Sudan committed religious persecution on a massive scale, including forced conversion, repression of those who did not subscribe to its version of Islam, and application of its interpretation of Sharia law to the entire population, support for the enslavement of those regarded as opponents of the regime, and the prosecution of a war widely considered "genocidal".

74. The Copts in Egypt, while generally able to practise their religion, were in varying degrees threatened by terrorism from extreme Islamic groups, the abusive practices of local police and security forces, and discriminatory and restrictive government policies. In January 2000, some 21 Coptic Christians had been murdered by Muslim mobs in the village of Al-Kosheh; a year later, the Egyptian Government had acquitted all those charged with the murders.

75. Mr. ZHANG (Freedom House) said that there was escalating religious persecution by the Chinese authorities. Human rights groups reported that more than 50,000 Falun Gong practitioners had been sent to labour camps without trial, and several hundred had been given jail sentences of up to 18 years. Falun Gong practitioners had declared that they would not give up their peaceful resistance until freedom of conscience was respected in China. His organization urged the Commission to be a force for positive change in China and to establish a special rapporteur or a special committee to investigate and put an end to Beijing's brutal persecution of Falun Gong. It also recommended that the Special Rapporteur on religious intolerance should visit, and continue to report on the Sudan, Egypt, Viet Nam, Chechnya and China.

76. Mr. MANTILLA RAMÍREZ (National Union of Jurists of Cuba) said that delegates to municipal assemblies in Cuba met their constituents twice a year. The issues raised by the constituents had to be dealt with, according to the Constitution, within 60 days. Candidates for office were nominated every two and a half years, and elections were by secret ballot. Turnout exceeded 95 per cent.

77. A strong civil society had emerged in Cuba in recent years. Trade unionists were able to defend their rights freely. Women had their rights protected and their place in society secured by the Federation of Cuban Women. Young people were able to have their concerns channelled through the University Student Federation and the Student Federation of Secondary Education. Other groups in Cuban society had similar organizations.

78. Ms. CARCAÑO (Women's International Democratic Federation) said that a number of tendentious statements had been made concerning human rights. Some had defended a fragmented view of human rights which regarded civil and political rights as first-generation rights; economic, social and cultural rights as second-generation rights; and the right to development, peace and a healthy environment as third-generation rights. For her organization all human rights were universal and indivisible and of equal importance. Without the right to life, health and education there could be no civil and political rights. In a hegemonic world, where the unequal laws of neo-liberal globalization took precedence, water, a vital resource for all mankind, was often privatized.

79. Ms. de VÁSQUEZ (Latin American Federation of Associations of Families of Disappeared Detainees (FEDEFAM)) said that, according to the report of the Working Group on Enforced or Involuntary Disappearances, there had been many new cases in the past year in 29 countries. There were a large number of cases - 45,998 - which had not been clarified, although families themselves could provide a much larger number of documented cases. It was essential that the problem be dealt with on an international basis: Asian families of disappeared detainees had had to set up their own federation. It was urgently necessary to protect human beings against enforced disappearances by means of an international convention.

80. The Working Group's report indicated a lack of interest on the part of States which had invited it to pay a visit but without specifying dates. It also revealed that enforced disappearances were not classified as a crime in most States, in contravention of article 4 of the

Declaration on the Protection of All Persons from Enforced Disappearance. Some States used the presumption of death as an explanation of disappearances, and in that regard Argentina had provided an example to follow by passing a law "on absence resulting from enforced disappearance".

81. Bolivia had been condemned by the Inter-American Court of Human Rights over the disappearance of Mr. José Carlos Trujillo Oroza, but the Latin American country that continued to suffer most from enforced disappearances was Colombia, though the situation was also getting worse in Mexico, Guatemala and Honduras.

82. It was the third time that the Commission had before it a draft international convention on the protection of all persons from enforced disappearance. Enforced disappearance was a crime under international law and the international community must eradicate it by creating the international legal instruments contained in the draft convention. There was an urgent need to set up a flexible follow-up mechanism and to appoint an inter-sessional working group to finalize the text of the convention.

83. The Working Group should be strengthened by being given the economic and human resources it needed, especially with regard to communications with family members. The Working Group and the Commission, which remained the hope of thousands of men, women and children suffering as a result of enforced disappearances, had in their hands the possibility of alleviating that suffering.

Statements in exercise of the right of reply

84. Ms. ABOULNAGA (Observer for Egypt), referring to a statement made by the representative of Baha'i International Community, said that her Government had already provided the Special Rapporteur on religious intolerance with information concerning the arrest of a number of members of the Baha'i faith in the Egyptian city of Sohag. The persons arrested had been in possession of documents and leaflets attacking Islam, and not simply religious books. They had been charged with belonging to an outlawed group, possessing documents attacking Egypt's formal religion, Islam, and threatening the stability of the community.

85. Egypt's Constitution provided for respect for the right of belief, and all believers in Egypt were allowed to exercise all their rituals and ceremonies freely. However, the Baha'is constantly attacked Islam and its symbols. Most recently they had issued a statement attacking the Mufti of Egypt. Such acts and activities threatened public order in Egypt; they would not be acceptable in any country. Governments had the obligation and duty to intervene to preserve the collective security and social stability of their citizens, and avoid chaos.

86. The Presidential Decree of 1960 concerning the Baha'i institutions in Egypt had been in conformity with Egyptian law, and the Supreme Court had ruled against an appeal in that regard in March 1975. Her Government had recognized the Baha'i faction as it had originally evolved from within Islam, but since then it had completely deviated from the path of its founder, and currently had the objective of attacking Islam. Its practices encouraged religious extremism and were and would remain unacceptable.

87. The representative of Baha'i International Community had referred to the report of the Special Rapporteur on religious intolerance in a misleading way: in fact, the report included all Egypt's replies and had expressed appreciation for them and for the Egyptian Government's efforts to prevent the politicization of religions and to fight against religious extremism.

88. Turning to the allegations made against Egypt by the representative of Freedom House, an organization whose background and sources of finance were well known, she said he had wilfully omitted to mention that the Prosecutor-General of Egypt had successfully appealed against the court decision in the Al-Kosheh case.

89. Finally, she referred to a situation that had been prevailing in the Commission for several years, namely, that of one individual representing a number of NGOs at one and the same time, thereby abusing the Commission's time, possibly for politically motivated reasons or as a way of earning a living. Her delegation did not consider that the person's interventions were worthy of a reply, but it did believe that it was high time that the Secretariat looked into such practices.

90. Mr. NAHAYO (Observer for Burundi) said that several special rapporteurs had made references to his country. He simply wished to point out that the Government of Burundi had adopted a new code of judicial procedure at the beginning of 2000 which was intended to combat human rights violations. Defence lawyers from abroad were able to appear before Burundi courts and tribunals, law officials were able to travel throughout the country, and an administrative statute had been adopted which was more rewarding for magistrates. Unfortunately, the economic crisis caused by civil war and the embargo had greatly reduced the financial resources available to ensure that those using the new code were able to become familiar with it rapidly. Burundi was in need of continued cooperation to ensure that the promotion and protection of human rights were effective on the ground.

91. Mr. JOOYABAD (Observer for the Islamic Republic of Iran) said that Humanitarian Law Project had referred in a statement to a number of armed opposition groups in his country, including the National Resistance Council. The National Resistance Council was a front for the Mojahedin Khalgh Organization, a terrorist group armed by and based in a neighbouring country. It was regrettable that an NGO should support such a group, which had been directly involved for many years in terrorist activities inside and outside the Islamic Republic of Iran.

92. His delegation was concerned that certain NGOs were still allowed to use the United Nations as a means of supporting terrorist groups and activities. The Commission should not let itself be misused in that way. His Government reserved the right to challenge the presence of two terrorists in the Commission under the umbrella of certain NGOs.

93. As for allegations made by two delegations regarding freedom of religion and expression in his country, he said that, although some cities with populations exceeding 100,000 had no member of parliament, minority religions such as Christianity, Judaism and Zoroastrianism, did have their own members of parliament in the Islamic Republic of Iran. Some 1,442 newspapers and periodicals were published in his country, with a daily circulation of 3 million, which represented a considerable increase on the figure of a few years previously. In 2000, some 30 newspapers had been charged with violating the press code, but none had been closed down permanently.

94. Mr. BENDO (Observer for Albania), referring to a statement by the observer for Greece querying the size of the Greek minority in Albania, said that, according to the most recent official Albanian Government figures based on the 1989 census, the Greek minority in Albania numbered 50,758. That figure could not be questioned by quoting data gathered from unofficial sources or figures concocted abroad. Over the past 70 years, the Greek minority had grown in size at the same rate as the population of Albania as a whole.

The meeting rose at 6.10 p.m.